

ADDENDUM 1

Volume 12

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PM

1 IN THE CIRCUIT COURT OF
2 MADISON COUNTY, TENNESSEE
3 AT JACKSON, DIVISION I
4

5 JON HALL,

6 Petitioner,

7 vs.

NO. C00-422

8 STATE OF TENNESSEE,

9 Defendant.

10

11 HEARING ON POST-CONVICTION

12 RELIEF PETITION

13 MAY 16, 2002

14 VOLUME IV OF IV

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AMY MAYS

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OFFICIAL COURT REPORTER

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MADISON COUNTY JUSTICE COMPLEX

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JACKSON, TENNESSEE 38301

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Vol. 12

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2 THE COURT: We left off with Mr.
3 Ford yesterday, and I believe it's
4 anticipated to start with Mr. Hall this
5 morning.

6 MR. ELLIS: Actually, Your
7 Honor, we want to ask to call Diana
8 Pearson.

9 THE COURT: Diana Pearson then
10 come forward.

11 Is Diana Pearson probably in the
12 hall?

13 MR. ELLIS: Yes, Your Honor.

14 THE COURT: We need to call her
15 in.

16 COURT OFFICER: She's not here.

17 MR. ELLIS: We want to get her
18 here the next time, if we can.

19 THE COURT: Well now I want to
20 get an understanding. Of course, we're
21 available, and I offered to get them
22 last night. I don't want to come back
23 in September and we've got a whole bunch
24 more witnesses that should be put on.

1 We've got an understanding on that.

2 That's why I'm here today and offered to
3 be here tomorrow. State for the record.

4 Is that agreed?

5 MR. ELLIS: Yes, Your Honor.

6 MR. BUCHANAN: Yes, sir.

7 THE COURT: Okay. She's
8 obviously not here.

9 MR. ELLIS: Your Honor, I'm also
10 going to understand that probably Alice
11 Pearson won't be here as well.

12 THE COURT: Let's ask, though.

13 Alice Pearson.

14 Let's call her name out also.

15 COURT OFFICER: She's not here.

16 MR. ELLIS: Your Honor, then to
17 preserve their testimony, we would ask
18 that we call April Higuera just for an
19 offer of proof. She's our investigator.
20 We understand everything she would say
21 would be totally hearsay, but yet to
22 preserve the record of what was
23 available.

24 THE COURT: Does the State want

1 to comment on it?

2 MR. EARLS: It's obviously
3 hearsay, but if the Court wants to allow
4 them a proffer, it's the Court's
5 discretion on that.

6 THE COURT: Note again, I
7 offered last evening as we quit, since
8 they were in violation of subpoena, to
9 have law enforcement go find them, if at
10 all possible, and defense has indicated
11 they didn't want that, Petitioner's
12 counsel has, and then I also heard that
13 same comment this morning that you
14 didn't want that either. I'll let you
15 make the offer of proof. I just don't
16 know what value it will be later when
17 other efforts were turned down. So let
18 her come around as an offer of proof and
19 be sworn. I guess it will be determined
20 later whether it's of any value.

21 (April Higuera was
22 called and duly sworn.)

23 MR. ELLIS: Your Honor, before
24 we begin, my esteemed counsel has asked

1 that we do ask for a writ of attachment
2 on Diane Pearson and Alice Pearson.

3 THE COURT: That means two that
4 -- We're going to give that 'til in the
5 morning, so we'll need to be here in the
6 morning, because if it takes that long
7 to find them to get them on, that's the
8 purpose of these three days.

9 MR. ELLIS: Yes, Your Honor.

10 THE COURT: I'm going to let her
11 step down then at this time, and let's
12 try to get them here. Okay. Let's get
13 Ms. Page in here and tell her what we
14 need to do when we get an officer that
15 can go find her. We just need the names
16 and addresses written down, and we might
17 find them today, it might be in the
18 morning, but it'll go to law
19 enforcement. If they're not found
20 today, we will be here at eight a.m. in
21 the morning to determine whether they've
22 been found to testify.

23 MR. ELLIS: Your Honor, before
24 we -- can we have just about five

1 minutes? I want to make sure that they
2 were served.

3 THE COURT: Okay. You just said
4 they were served yesterday I thought.
5 Double-check, that's correct.

6 MR. ELLIS: Well I called the
7 process server, I told him if he didn't
8 get anybody served to call me back and
9 he has not.

10 THE COURT: Double-check that.

11 MR. ELLIS: I want to double-
12 check that before we --

13 THE COURT: That's real
14 important, yes.

15 MR. ELLIS: -- throw anybody in
16 jail.

17 THE COURT: Could we proceed on
18 with anything else?

19 MR. BUCHANAN: Yes, sir, he can
20 be checking that. I have a couple of
21 housekeeping things.

22 Judge, I'd like to request, the
23 Court is familiar with the testimony
24 wherein Mr. Ford said that they did not

1 have the opening statements or the final
2 arguments typed up. I would like to
3 formally request that be done and made a
4 part of this record.

5 THE COURT: Does the State have
6 any comment?

7 MR. EARLS: Opening statement
8 and final on what?

9 MR. BUCHANAN: On the trial
10 itself.

11 MR. EARLS: Oh, okay. That's
12 fine.

13 THE COURT: I certainly would
14 approve it.

15 MR. BUCHANAN: Thank you. And
16 if it's not too much trouble, Judge, at
17 some point I'd like to get this hearing
18 typed up sometime in the future, if
19 that's possible.

20 The most important thing I have
21 to tell the Court this morning is,
22 Judge, you'll remember I had expressed
23 to you last Friday that I had some
24 reservations about calling Mr. Hall.

1 That changed as of Monday because I saw
2 a window of opportunity with Mr. Hall.
3 I think the Court's aware, Mr. Hall can
4 sometimes -- and the testimony's been
5 pretty clear -- can sometimes go from A
6 to Z in his feelings about different
7 things.

8 I left here fully intending to
9 call him this morning. Mr. Ellis and I
10 spent about an hour and a half with him
11 in the jail last night, and I honestly
12 feel that opportunity has closed itself
13 at this point for several reasons.

14 What I thought I had control, an
15 ability to reasonably predict, as any
16 lawyer needs to, how the testimony will
17 come off, I lost that ability last
18 night. I'm not saying that I wouldn't
19 want to call him in the future, but I
20 would want Dr. Caruso here in case what
21 happens -- what might happen happens so
22 that I could have Dr. Caruso to explain
23 that. It has to do with very much what
24 you saw at about 8:00 yesterday morning.

1 Sometimes Mr. Hall gets almost
2 incompetent, is the word for it. I
3 don't say that he's legally incompetent,
4 but the ability to communicate just
5 leaves him. It's like when the Court
6 told him yesterday to hush, and he has
7 it in his mind that you just have to
8 hear something that he has to say, and
9 as the Court -- the Court immediately
10 lost control of him. I've had the
11 similar experience, and I'd like an
12 opportunity to discuss that also with
13 Dr. Caruso and see if there is some
14 medication perhaps that could stabilize
15 this situation because, when I go into
16 the jail or the penitentiary and I talk
17 to Jon, sometimes it's a really good
18 meeting and I couldn't even in a remote
19 way say that he's incompetent. He can
20 cooperate with counsel and he knows what
21 he's talking about. Then there's those
22 other times, very similar to what you
23 saw yesterday morning, in which it would
24 be a nightmare to have him take the

1 stand. Whatever point I would score on
2 direct, -- and this is actually where I
3 lost him last night. I had direct down
4 pretty good, but cross-examination, I
5 don't believe he'd survive it for -- not
6 after last night.

7 So I have to tell you this
8 morning, I have no evidence to go
9 forward on short of Mr. Ellis coming
10 back and seeing about the Pearsons.

11 THE COURT: You're telling me at
12 this point in time -- you know we've got
13 all day today and we've got all day
14 tomorrow and you're not putting on your
15 client because of the reasons you just
16 stated.

17 MR. BUCHANAN: For the reasons I
18 just stated, yes, sir. And I --

19 THE COURT: Knowing this is his
20 opportunity as part of his case on his
21 petition to testify. We've got two full
22 days if we need it.

23 MR. BUCHANAN: Oh, I -- I never
24 anticipated he'd be on the stand that

1 long, but I left here, I told the Court,
2 I told The Jackson Sun. I thoroughly
3 intended to put him on this morning.
4 Mr. Ellis and I went to the jail last
5 night to do the last finishing touches,
6 and without going into it too deep, it
7 became a disaster. I don't know any
8 other word to use. And it's beyond my
9 feeble knowledge that I have to control
10 him in what I would consider a normal
11 manner.

12 THE COURT: Do you want to
13 question your client under oath as to
14 whether he wants to testify today?

15 MR. BUCHANAN: I -- Judge, I
16 have no doubt he wants to testify, and I
17 want him to testify.

18 THE COURT: Is it not his
19 decision if he wants to testify?

20 MR. BUCHANAN: It absolutely is,
21 and I don't want the record to even
22 think for a minute I'm taking that away
23 from him. I'm not. But I do think -- I
24 would like the opportunity to get with

1 Dr. Caruso and see if there is some
2 medication that could stabilize him a
3 little bit, number one; number two, if
4 he does go --

5 THE COURT: Have you not had an
6 opportunity to work with Dr. Caruso
7 already on this case?

8 MR. BUCHANAN: Yes, sir, I have.

9 THE COURT: You talk about your
10 client on numerous occasions?

11 MR. BUCHANAN: Yes, sir, I have.

12 THE COURT: Knowing how far in
13 advance this case has been set?

14 MR. BUCHANAN: Judge, I can't
15 predict his -- I can't predict Jon all
16 the time. I mean, --

17 THE COURT: Well you've known
18 that all along; have you not?

19 MR. BUCHANAN: I understand, but

20 --

21 THE COURT: He's had numerous
22 lawyers in the past, and you all seem to
23 communicate well on that problem; do you
24 not?

1 MR. BUCHANAN: We have, we
2 absolutely have. But I --

3 THE COURT: So why haven't you
4 done something, after telling everybody
5 differently, before 8:30 this morning?
6 Knowing your client wants to testify.

7 MR. BUCHANAN: Judge, I don't
8 like telling you this. I went and
9 talked to his family, and Danny doesn't
10 like telling you. None of us like
11 telling you this, but he -- we -- he --
12 you know, I just think it would be a
13 disaster to put him on this morning in
14 light of what happened yesterday. And
15 we had him under control yesterday all
16 during the course of the trial.

17 THE COURT: But you're
18 describing -- Are you not describing to
19 me this morning the same type behavior
20 you've been experiencing with Mr. Hall
21 along, that you've described prior to
22 this morning?

23 MR. BUCHANAN: On and off.

24 THE COURT: Okay. So we're in

1 agreement with that; are we not?

2 MR. BUCHANAN: We are.

3 THE COURT: So why haven't you
4 -- if you've got these other areas you
5 want to look to as to him possibly
6 testifying later is what you're telling
7 me, why haven't you already addressed
8 those problems with Dr. Caruso prior to
9 today's date?

10 MR. BUCHANAN: I have tried, but
11 everything that --

12 THE COURT: Tell me specifically
13 what you have done to try to address
14 these problems with Dr. Caruso, when and
15 what.

16 MR. BUCHANAN: I met -- Ms.
17 Higuera and I met with him last Friday
18 and asked him if there was some kind of
19 medication or something. He said he
20 would like to get the serotonin levels
21 back before he could come to anything
22 like that. He had spent two hours with
23 him, and he -- without -- I -- I don't
24 mind them knowing my expert.

1 THE COURT: If you want to talk
2 ex parte, I'll do it because I want to
3 hear from you.

4 MR. BUCHANAN: Yes, sir, I would
5 like to talk ex parte on this.

6 THE COURT: We're going to step
7 into chambers. Give me just a few
8 minutes before you come back there.

9 (After a recess, the
10 following proceedings
11 were had:)

12 THE COURT: What I've decided to
13 do since Mr. Buchanan has announced that
14 his client wants to testify but he's not
15 in a position to put him on today and he
16 wants to consult with Dr. Caruso that
17 he's had some opportunities in the past
18 to work with on this case and talked to
19 as recently as last Friday about
20 medication for his clients and some
21 other reasons he stated, I'm going to go
22 ahead, noting that further medical
23 examinations are July 31st and those
24 experts need approximately two weeks to

1 conclude their matters and submit
2 reports, and I'm going to schedule this
3 for September.

4 I'm going to schedule it for two
5 weeks' time, gentlemen. You're going to
6 be with me starting September the 4th,
7 and you're going to be with me for two
8 weeks, cancelling everything you've got
9 if that's what it takes; starting
10 September 4th, two weeks. I'm going to
11 work it in with everything else I've
12 got, and you'll sit here and wait 'til
13 we can get to it. That's my criminal
14 docket. We'll start it when I can start
15 it because it's going in with everything
16 else. I've tried to accommodate you on
17 special days. I've tried to work with
18 you in every way possible, and you tell
19 me one thing, and then you tell me
20 another. I question sometimes what
21 direction you are going and whether
22 you've told me the right and truthful
23 thing in the first place, but I -- I'm
24 taking you at your word today again.

1 I'm trying to give you everything
2 necessary time-wise to do what you need
3 to do. This will fulfill your desire
4 today. But I want you here at 7:30 on
5 September 4th, 7:30 a.m., and we will be
6 here, and plan on it -- we will be here
7 at least, at least, through September
8 the 13th, but you could go the full two
9 weeks which would be into the next week.
10 And again, I have other cases scheduled,
11 jury trials, but I have a busy docket,
12 and I've got to tend to it, and this is
13 one of them I've got to tend to.

14 Now, with that having been said,
15 I want -- I want monthly reports between
16 now and then. If this needs to be about
17 the experts, certainly it will be ex
18 parte. The State understands that. I
19 will not continue this case. We've got
20 those two weeks scheduled, and we will
21 start as I've stated. I want an order
22 to go down to that effect. I want you
23 to draw up that order, and I want Mr.
24 Buchanan to draw it up, and I want it

1 submitted to me within seven days.

2 MR. BUCHANAN: Yes, sir.

3 THE COURT: Now, any questions
4 about what I've said?

5 MR. ELLIS: The ending, Your
6 Honor? I'm just trying to block it out.
7 The ending date?

8 THE COURT: Oh, the ending date.
9 I want you to be committed for two full
10 weeks.

11 MR. ELLIS: Through the 18th,
12 Your Honor?

13 THE COURT: That would be
14 through the 18th. And just for an
15 example, I've got a first degree murder
16 trial on the 17th, among other things.

17 MR. BUCHANAN: So there is no
18 misunderstanding, --

19 THE COURT: Oh, yeah, be
20 prepared. We'll proceed on Saturdays
21 and Sundays. Sundays have been declared
22 to be legal. We'll just do whatever it
23 takes to get this case heard. Mr. Jon
24 Hall is entitled to that.

1 MR. BUCHANAN: Yes, sir. Judge,
2 if I --

3 THE COURT: Any questions?

4 MR. BUCHANAN: No, sir. I want
5 the Court to know, if I schedule
6 something on the 20th and for some
7 reason we've got to go the 20th, I'm
8 prepared to cancel the 20th.

9 THE COURT: I understand. We're
10 going to start on the 4th at eight a.m.
11 Put in the order again that will include
12 remaining here and being available on
13 Saturdays and Sundays for purpose of a
14 hearing.

15 Does the State have any
16 questions?

17 MR. EARLS: No, sir.

18 THE COURT: Okay. Monthly
19 reports in that order, too, to me. Ex
20 parte is fine dealing with experts. And
21 I want to hear from you. That means, I
22 assume, monthly reports -- let's see --

23 MR. BUCHANAN: First of each
24 month?

1 THE COURT: Well you're going to
2 be calling me the first of June then. I
3 just don't want any confusion about it,
4 so let's say by the -- between the 1st
5 and the 5th, so that will give you some
6 latitude there in case the 1st falls on
7 the weekend.

8 MR. BUCHANAN: I would prefer to
9 do a phone call and follow up with a
10 written memo of that phone call. Would
11 that be appropriate?

12 THE COURT: Conference call is
13 fine. I've got no problem with that as
14 long as we're staying on track and you
15 understand what the significance of
16 these September dates are.

17 MR. BUCHANAN: I do, Your Honor.

18 THE COURT: And all of your
19 experts understand that. Get your
20 subpoenas out. Everybody's got to be
21 committed for September 4th. You just
22 have to remain with me until we finish
23 the case.

24 Now, as far as these two missing

1 witnesses, the two missing witnesses,
2 I'll take up their testimony tomorrow at
3 1:00, give us plenty of time to find
4 them if that's what you want to do.

5 But Mr. Ellis has got to go
6 across the hall and see if they were
7 actually served. Right?

8 MR. ELLIS: Yes, Your Honor.

9 I'll be back in five minutes to report.

10 THE COURT: We can stand in
11 recess if that's the last matter we have
12 before you gentlemen leave today. Is
13 there anything else?

14 MR. BUCHANAN: Judge, since our
15 telephone conversation was off the
16 record, I don't want Mr. Ellis to leave
17 yet. I do want the record to reflect
18 that as of last Friday, I did express to
19 the Court that I did not want to call
20 Mr. Hall without Mr. Caruso having
21 completed his things, and I -- honest to
22 goodness, Judge, it was an accommodation
23 to the Court because the Court had set
24 aside so much time --

1 THE COURT: I recall it somewhat
2 differently, but you go ahead and put
3 what you want on the record. And I
4 certainly don't even recall that intent
5 yesterday or desire that you wanted to
6 put it off. But you go ahead and put on
7 the record today what you think last
8 weekend's phone call was.

9 MR. BUCHANAN: I thought last
10 Friday's phone call I had expressed that
11 I preferred not to put Jon on until
12 Caruso was through with his testimony as
13 of last Friday. As of Monday when I
14 talked to you, I thought I had
15 sufficient control of him, that since
16 you had this time set aside, I could, in
17 fact, put him on. And I just wanted the
18 record to reflect that. And quite
19 frankly, Judge, I would like to question
20 Mr. Ellis about the phone call on
21 Friday, too, because -- I just would
22 like to do it for the record, if that's
23 all right.

24 THE COURT: Do you want to swear

1 him in, or do you just want to hear his
2 testimony? I want to do what you want
3 to do on that.

4 MR. BUCHANAN: He's an officer
5 of the Court.

6 THE COURT: I'm satisfied. I
7 just wanted to make sure you were, Mr.
8 Buchanan.

9 MR. BUCHANAN: Mr. Ellis, you
10 are Danny Ellis; are you not?

11 MR. ELLIS: Let me go --

12 THE COURT: You don't have to
13 get up there, Mr. Ellis. Wherever
14 you're comfortable.

15 MR. BUCHANAN: Mr. Ellis, were
16 you a party to a three-way phone call
17 with yourself, myself and the Court on
18 Friday?

19 MR. ELLIS: Yes, I was.

20 MR. BUCHANAN: Would you please
21 state your recollection as to what I had
22 to say about Jon testifying in
23 relationship to Dr. Caruso?

24 MR. ELLIS: I remember speaking

1 with Judge Morgan at the Law Day
2 luncheon and was told that we would have
3 a three-day hearing. That was the first
4 I'd heard of that. I immediately
5 contacted you.

6 MR. BUCHANAN: Was it the first
7 time I'd heard of it, to your knowledge?

8 MR. ELLIS: Yes. I immediately
9 called you, called Judge Morgan back.
10 He had asked that I call him for a
11 three-way call. We placed that call. I
12 remember discussions about Dr. Caruso
13 not being able to testify. I also
14 remember discussions about whether
15 orders were forwarded on to the experts.
16 I remember specifically stating that
17 we'd received the orders, that they'd
18 been faxed down, that we had forwarded
19 those on after we received the order
20 from the AOC. I think the testimony was
21 -- or the conversation was that you had
22 not received them.

23 MR. BUCHANAN: I'm specifically
24 wanting to know about anything you

1 remember about me saying Jon would or
2 would not testify.

3 THE COURT: Thank you, Mr.
4 Buchanan.

5 MR. ELLIS: I'm trying to ... I
6 think at that time it was questionable
7 whether he would or he wouldn't.

8 MR. BUCHANAN: Do you remember
9 me raising a concern about that at that
10 time?

11 MR. ELLIS: I remember -- I
12 remember that we were concerned about
13 putting him on at that time.

14 MR. BUCHANAN: When's the first
15 time I told you that I wanted to put him
16 on? Do you remember that? Just between
17 you and me as attorneys.

18 MR. ELLIS: We discussed that --

19 THE COURT: If I can interrupt
20 just a minute: I don't have to get into
21 your private strategy where you're
22 talking about your case with your
23 client. I think you're getting into a
24 dangerous area, but now if you want to

1 delve into it and feel it necessary or
2 not, that's up to you.

3 I will say this. I think it was
4 very clear from the phone conversation,
5 if I may interrupt, that you even
6 discussed the fact you could follow up
7 with more testimony from Mr. Hall after
8 Dr. Caruso testified. And that was -- I
9 mean, you explained it all to me, and,
10 "Yeah, I'm not worried because I can
11 follow up and put him on if I need to
12 after Dr. Caruso," and I said, "Yeah, I
13 understand that. That'd be fine."

14 Is that not right, Mr. Ellis?

15 MR. ELLIS: I think that's -- I
16 think we were concerned about putting
17 him on, but if we put him, could we put
18 him back on later. I'm not -- Your
19 Honor, what I was worried about at the
20 time was, was the order forwarded or
21 not.

22 THE COURT: I understand that.

23 MR. ELLIS: And --

24 THE COURT: If he wants to

1 question you further he can.

2 MR. BUCHANAN: No, I --

3 THE COURT: It put Mr. Ellis on
4 the spot, and I understand that.

5 MR. BUCHANAN: I just don't -- I
6 don't want the Court to think I'm
7 misleading you.

8 THE COURT: Do you recall my
9 conversation with you where you said you
10 could put him on after Dr. Caruso, too,
11 to follow up some stuff if you needed
12 to?

13 MR. BUCHANAN: That that would
14 be one way we might could do it.

15 THE COURT: And you recall that
16 as part of the phone call.

17 MR. BUCHANAN: Yes, sir, I do.
18 You're right. And that's why I went
19 that weekend to talk with Jon.

20 THE COURT: I think we've solved
21 our problem for September, gentlemen, if
22 you're in agreement.

23 MR. BUCHANAN: Yes, sir.

24 THE COURT: Mr. Ellis, go check

1 the subpoenas.

2 MR. ELLIS: Yes, Your Honor.

3 THE COURT: If we need to delay,
4 I'll step down and let you call. Again,
5 it's an effort to accommodate to get
6 whatever you need.

7 MR. ELLIS: I know, Your Honor.

8 THE COURT: Do you want me to
9 step down and you can make some calls to
10 your process server?

11 MR. ELLIS: Your Honor, I've
12 already called him. I would like you to
13 step down so we can try to get them in
14 today.

15 THE COURT: Let me give you --
16 You think 15 minutes you can find him
17 and find out if we need to have them --

18 MR. ELLIS: Your Honor, I paged
19 him, I called his cell phone, I called
20 his work. I think it's just a matter of
21 him returning my phone call.

22 THE COURT: Let's take 15
23 minutes, and we'll just see if you can
24 get a'hold of him so we'll know what to

1 do.

2 MR. ELLIS: Your Honor, before
3 we recess, I -- I think I need to put
4 this on the record.

5 First and foremost, I do not
6 appreciate being placed in the position
7 I was just placed in.

8 THE COURT: I understand that.

9 That's why I interrupted when I did.

10 MR. ELLIS: Second of all, I've
11 thought about the conversation. What I
12 remember the conversation was, I believe
13 we were concerned about placing Mr. Hall
14 on the stand. I don't want to go into
15 specifics about that because I don't
16 want to taint this record. But what I
17 can remember is, we discussed it. We
18 were concerned about it. I think it was
19 left with, well, you weren't going to
20 allow outbursts, is what I can remember,
21 that basically what would happen the
22 other morning is what would happen if he
23 did not present himself the way it was
24 supposed to be.

1 Other than my concern with the
2 orders and getting extra time for Dr.
3 Caruso, I -- and the fact that we were
4 concerned with Mr. Hall and his decorum
5 in the courtroom, it's just --

6 THE COURT: I understand. I
7 appreciate your good faith effort to try
8 to remember, but I -- I've stated what I
9 specifically remember regarding the
10 narrow issue of your client testifying.
11 It's nothing new that you've been
12 concerned about your client and his
13 decorum and actions in the courtroom,
14 and I understand that. Other lawyers
15 have expressed that concern. I have no
16 recollection about that being any
17 concern about him testifying different
18 from any other time that he might
19 testify. You know, that's just always
20 been a concern.

21 But I apologize that you were
22 chosen by Mr. Buchanan to be put on the
23 spot like that. I'm not mad at anyone,
24 but we do have a job to do, and I've

1 said it a hundred times. And the main
2 thing is that you leave here today, once
3 we decide what to do with these two
4 witnesses, there'll be no continuances.
5 You follow through this time. I don't
6 even want to rehash the concern about
7 those orders and the mix-up and the fact
8 that somebody supposedly was to get the
9 order like Mr. Buchanan yet he never got
10 it, those type things. It's behind us
11 now. We move forward. We've got
12 September dates. There will be no
13 delay.

14 MR. ELLIS: Exactly, Your Honor,
15 but I would like to show -- have the
16 opportunity to show to the Court without
17 exposing the contents of them, based on
18 work product privilege, E-mails that
19 I've received from Mr. Buchanan and Ms.
20 Higuera regarding their efforts to get
21 these experts along, and I have saved
22 every E-mail that I've received and
23 would like to show them to the Court if
24 he has Internet access.

1 THE COURT: If you at some point
2 want to, you can do that. That's not my
3 concern now because, again, that's water
4 under the bridge. We're wasting time.
5 You're wasting effort. You've got to
6 represent this gentleman, and that means
7 move forward now on whatever you've done
8 in the past.

9 MR. ELLIS: Right.

10 THE COURT: My concern again,
11 I've already expressed, expressed it the
12 first day of this hearing yesterday.
13 Okay. But I appreciate your kindness
14 again in thinking about bringing it up.

15 Now I'm going to step down.
16 Let's step down 15 minutes. See where
17 you stand with these witnesses. If
18 we've got to send law enforcement after
19 them, I might just schedule this for
20 tomorrow at 1:00 and give everybody time
21 to try to find them, whatever it takes,
22 if that's what you want to do. I'm not
23 compelling you to put them on or not put
24 them on. You've got to decide what --

1 All right. Thank you.

2 (After a recess, the
3 following proceedings
4 were had:)

5 THE COURT: Just so we will have
6 it straight on the record so there won't
7 be any confusion, I understand Mr. Ellis
8 and Mr. Buchanan reported that the two
9 witnesses they had hoped to call were
10 actually not subpoenaed. The subpoena
11 did not get served on the Pearsons,
12 Diana and I believe Alice Pearson.

13 MR. ELLIS: Yes, Your Honor.

14 THE COURT: And since it wasn't
15 served, the Court's not in a position,
16 as counsel knows and has acknowledged,
17 to have them brought in through the
18 assistance of law enforcement. And what
19 we've agreed to do in summation is
20 certainly these are witnesses that you
21 attempted to have ready for the
22 scheduled hearing, so you're going to
23 try to re-subpoena them and have them
24 for the next hearing. Is that correct?

1 MR. ELLIS: Yes, Your Honor.

2 THE COURT: Okay. And we
3 appreciate your efforts in clearing it
4 up today so we certainly didn't take
5 action if we didn't have them under
6 subpoena.

7 Now the other thing was, again
8 off the record, I understand you made
9 every effort to have all the witnesses
10 here for the hearing scheduled for
11 yesterday except we knew there was a
12 problem with experts, and we now know
13 Mr. Jon Hall would testify at a later
14 date also if he chooses. Other than
15 that, you anticipate all other witnesses
16 were subpoenaed as they should have been
17 for the hearing as scheduled yesterday.

18 Is that correct? Except for the --
19 there is a possibility, except for the
20 mother's --

21 MR. ELLIS: Except for the
22 mother.

23 THE COURT: -- potential
24 testimony. Is that correct?

1 MR. BUCHANAN: That's correct.

2 MR. ELLIS: They were
3 subpoenaed. They're out of state. I
4 understand that Mr. Joel is -- has some
5 issues concerning substance abuse.

6 THE COURT: Those two then. And
7 their names again?

8 MR. ELLIS: Joe and Beth Hall.

9 THE COURT: Joe and Beth Hall.
10 If you're able to get them here at a
11 later date, certainly I would consider
12 them testifying.

13 MR. ELLIS: We'd like to reserve
14 the right, Your Honor.

15 THE COURT: Just trying to clear
16 this up on the record, as I told Mr.
17 Buchanan, because there's always some
18 confusion, it seems to be, when we
19 don't.

20 Now, other than that, we will
21 conclude at this point in anticipation
22 that there are no continuances in any
23 other witnesses that we've mentioned
24 that will possibly testify at the next

1 hearing, and the State would have a
2 chance to put their proof on. Is that
3 correct?

4 MR. BUCHANAN: Yes, sir, I agree
5 with that. I do want to make this
6 clear, Judge. If I stumbled on
7 something I don't know about between now
8 and then, I at least want to reserve the
9 right to come and say, "Judge, I didn't
10 know about this guy, and he's here." If
11 you want to say, "Fine. I'm not going to
12 let him testify," that's fine, but I
13 don't want you --

14 THE COURT: If you stumble into
15 something, certainly things can come up
16 suddenly that we didn't know. That
17 happens in the middle of trial
18 sometimes. I know -- I just want to
19 always leave knowing you made your good
20 faith best effort to be prepared for the
21 hearing that was scheduled for many
22 months that started yesterday.

23 MR. BUCHANAN: Yes, sir.

24 THE COURT: Always feel free if

1 there's some sudden situation you need
2 to address to bring it up.

3 MR. BUCHANAN: Okay.

4 THE COURT: That's part of
5 representing your client zealously, and
6 we want you certainly to continue to do
7 that.

8 MR. BUCHANAN: Thank you, Judge.

9 THE COURT: Okay. Anything
10 further from State or Petitioner?

11 MR. BUCHANAN: No, sir.

12 THE COURT: We thank you,
13 everyone. Good luck. See you back in
14 September. Look forward to the order
15 coming within the number of days I
16 specified and the monthly reports.

17 We stand in recess.

18 - - - - -

19 END OF VOLUME IV.

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7 EXHIBIT 1

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10 the 18th day of July,
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Ray B. May Jr.





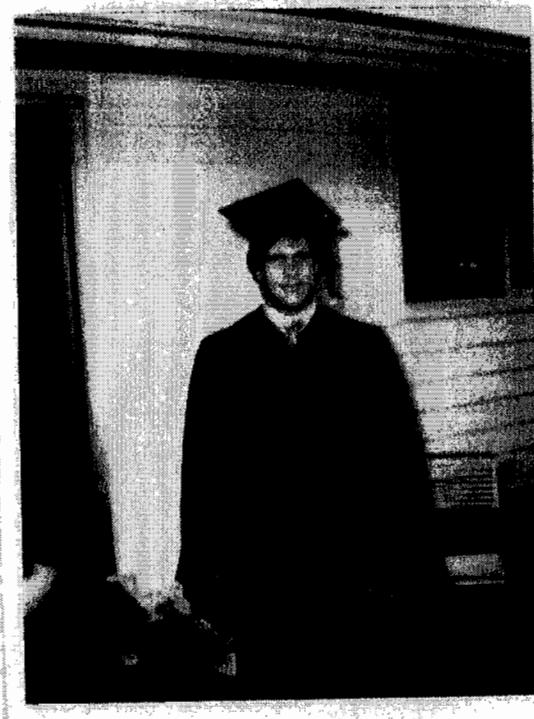
Jessica







John Muller



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7 EXHIBIT 2

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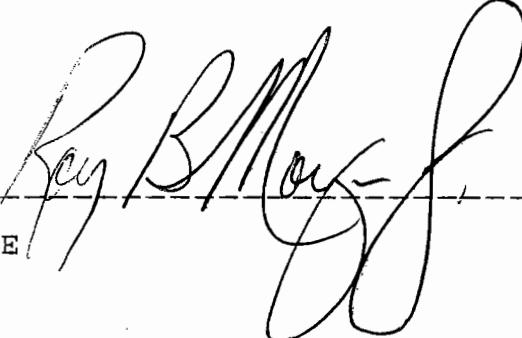
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State Subpoena

MCOWAT-MERCIER PRESS, JACKSON, TENN.

The State of Tennessee, Madison County

Circuit Court **FILED**

96-589-36
Docket No.

Henderson

To the Sheriff of Madison County — Greeting:

JOE GAFFNEY, CIRCUIT COURT CLERK

DEPUTY CLERK

AM

You are hereby commanded to summon

Heeman M. Kinney

Rt # 2

Pleasant Hill Rd.

Elginhton

personally to appear before Judge La Jon of our Circuit Court of the County of Madison, to be held for said County in the courthouse 3rd floor in the City of Jackson, on the 3 day of Feb 19 97, at 9:00 A.M., to testify and the truth to speak in the cause now pending in said Court, wherein the State of Tennessee is plaintiff, and Jon Hall is defendant, on behalf of State and this you shall in no wise omit under the penalty prescribed by law. Herein fail not, and have you then and there this writ.

WITNESS: JOE GAFFNEY, Clerk of our said Court, at office the

4 day of Dec. 19 96

JH

Clerk

D.C.



Came to hand _____ day of _____ 19 _____

and executed as within commanded.

000332

Subject is Deceased

This 18 day of Dec 19 96

T. J. F. Sheriff

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7 EXHIBIT 4

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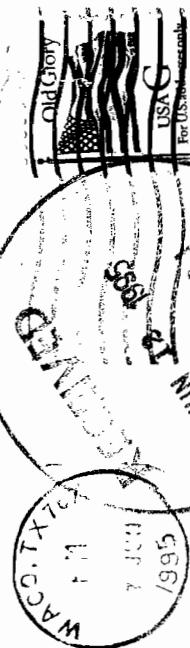
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Stall 4 Box 41326 B
Bulton La 76513

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John Hall #238941
R.M.S.I. 9475 Cockhill Bend Ind., R.C.
Nashville, Tenn. 37243-0471

MS. MALLORY 2020.20
RECEIVED
MAY 1920
BY
WILLIAM
M. MALLORY

See 4/6 must have
Talked with Sheryl cause
I wrote in my Appointment
Book Sheryl talked w/lawyer
& told them about Jeffs
Health & to get a deposition
I talked w mom wed
4/5/95 wrote in book
so either mom told me
on wed or I called
Sheryl on Thurs

~~sent out~~ 5/22/95
Same day as Googles
w/Draw

STATE OF TENNESSEE

V.

JON HALL

NO 94-342 94-452 94-454

EXHIBIT
5 *or*
07/07/02

SWORN AFFIDAVIT OF DECLARANT JEFF HALL - SUPRA

Comes now Jeff Hall, declarant, and moves this court pursuant to Rule 804 of Tennessee Rules of Criminal Procedures, and would respectfully show this court the following:

I _____ first after being duly sworn hereby
depose the following to-wit:

I am the declarant in State of Tennessee v. Jon Hall; I am also the brother of Jon Hall, and is believed that I have pertinent information that may be favorable to his defense.

Reputation Concerning Personal or Family History:

Jon visited me between the dates of 6/19/94 - 6/26/94. Jon seemed to be very depressed/suicidal over family and money problems.

Reputation as to Character: I know that Jon loved his Wife (Billie Hall) and children very much. Our discussions over Jon's problems consisted of Jon trying to get his family and financial situations in order.

If Jon is guilty of the alleged crime of Murder, "I would have to state it was invoked and induced by someone". I would also have to testify that Jon acted under strong provocation, stress, pressure, and seemed to be dysfunctional during his visit with me on supra date.

Character of Declarant: If the question ever arises as to my credibility of this affidavit, let it be known to this court, that I am the person who turned my brother (Jon Hall) over to the Belton Tx authorities. My only concerns is that Justice is properly served in this matter, and that my brother may receive a fair trial.

Declarants Unavailability as a Witness: Due to my present existing physical condition, declarant is not able to travel the distance to Tennessee to testify "personaly". Rule 804 (3) T.R.C.P.

Issues of Future Actions: If a Malpractice suit is ever filed on behalf of my brother Jon Hall for ineffective assistance of counsel, let it be noted to this court that Jon's Attorney (George Googe) or his formal Attorney's has never contacted me about testifying for Jon's defense as a Character witness.

I Jeffrey F Hall Page ID 847 swear under the penalty of perjury that the forgoing affidavit is true to the best of my knowledge and belief. Signed this the 6TH day of June 1995.

Respectfully Submitted,

Jeffrey F Hall
Declarant Jeff Hall
RT 4 Box 4326 B
Belton TX. 76513

SWORN TO ME THIS THE 6th DAY OF June 1995.

NOTARY PUBLIC Debra Hix

MY COMMISSION EXPIRES 7-23-97



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7 EXHIBIT 5

8 Identified and authenticated, this

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12 2003.

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15 Ray Blanks
16 JUDGE

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STATE OF TENNESSEE
DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
MIDDLE TENNESSEE MENTAL HEALTH INSTITUTE
1501 MURFREESBORO ROAD
NASHVILLE, TENNESSEE 37217
(615) 366-7616

Trail to Clerk
at Lexington - File
in Long Island
Circuit Court
Clerk
Court Ld

March 28, 1995

The Honorable Whit S. LaFon
Henderson County Circuit Court
P.O. Box 7411
Jackson, TN 38302

FILED
KENNY CAVNESS - CIRCUIT CL CLERK
APR 10 1995
BY _____
DEPUTY CLERK

RE: State of Tennessee vs. Jon Douglas Hall
Docket No.: 94-342, 94-452, 94-454
Report of Competency Evaluation

Dear Judge Lafon:

Jon Hall was seen by staff from the Forensic Services Division (FSD) of Middle Tennessee Mental Health Institute (MTMHI) in the Department of Corrections on an outpatient basis at Riverbend Maximum Security, and was subsequently admitted to FSD on February 23, 1995, by order of your court. He was sent here for an evaluation of his ability to stand trial on the charge(s) of first degree murder, kidnapping, vandalism, and for an assessment of his mental condition at the time of the alleged offense(s).

After completion of the competency evaluation, the staff has determined that Mr. Hall's condition is such that he is capable of adequately defending himself in a court of law. In making this determination, it was concluded that he does understand the charges pending against him and the consequences which might follow, and he is able to advise counsel and participate in his own defense.

With regard to Mr. Hall's mental condition at the time of the alleged offenses, it is the opinion of the staff that he does not meet the criteria for an insanity defense pursuant to the provisions of T.C.A. 39-11-501. Therefore, a defense of insanity cannot be supported.



Judge Balon
March 28, 1995
Page 2

The order also specified that the evaluation would address matters which relate to alcohol and/or drug dependence and the defendant's intellectual functioning. The evaluation staff are of the opinion that the defendant does have an alcohol and drug dependence which could affect his normal behavior, and he scored in the low-average range of intellectual functioning.

The staff further determined that Mr. Hall does not meet the standards of judicial commitment to a mental health institute pursuant to the provisions of T.C.A. 33-7-301(b) and 33-6-104.

We have returned Mr. Hall to the custody of the officials at Riverbend Maximum Security Correctional Facility as he is currently in safekeeping status from the Henderson County Jail. We did not recommend follow-up services, although he could benefit from alcohol and drug rehabilitation. We have also notified the mental health center which serves the Henderson County Jail of our recommendations.

If you have any questions about this case, please do not hesitate to contact me at (615) 366-7973.

Sincerely,



Larry Southard, Director
Forensic Services

cc: James W. Thompson, District Attorney General's Office
George Morton, Defense Attorney
Richard Drewery, West Tennessee Behavioral Center

LS/bb

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7 EXHIBIT 6

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10 the 18th day of July,

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~~CONFIDENTIAL~~

PRIVILEGED AND CONFIDENTIAL-ATTORNEY WORK PRODUCT

MEMORANDUM

TO: JON HALL FILE (CASE NO.: 4970-01-41950)
FROM: GLORI J. SHETTLES
RE: INTERVIEW OF JON HALL
DATE: AUGUST 15, 1996

Jon Hall was interviewed at Riverbend Maximum Security Prison on August 15, 1996. He was cooperative and appeared to understand the purpose of the mitigation investigation. I advised I had seen an assessment prepared by Ann Charvet and Mr. Hall stated that his sister had forwarded him a copy, which they both had "corrected." The amended copy was forwarded to me later by Mr. Hall.

Hall's eye contact was unmoving throughout the interview. At times it was difficult to keep him "*focused*" relative to certain questions asked. He would, for instance, take a great deal of time to provide a response which had nothing to do with the question asked. He did not appear uncomfortable, however, he became very defensive when I told him the perception I had of him following the interview was different from the newspaper article previously given. Several times he attempted to explain how his words were taken out of context, and I am not certain if Hall understood that I agreed with him.

In addition to verifying background information, Hall's feelings and perceptions will be noted for use by an expert at a later time.

Jon stated he and his family grew up in a town fifty (50) miles east of Pittsburgh. The town was described as a "*rich retirement town*", in which his parents were originally from, also. Jon's father drove fifty (50) miles each day to work as a metal lather. Jon stated that although he had numerous siblings, he "*didn't do without anything*."

Jon did not describe his relationship with his father as close, however, he was not aware that his father did not believe Jon to be his biological child, until he was told this as a result of Charvet's assessment. He stated that his brother, **Joel**, was his dad's "*favorite*", however, he does not recall being emotionally or physically abused by his father.



Case No.: 4970-01-41950
August 15, 1996
Page Two

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

He stated he had "*always been close to his mother*" and he noted her continuing support, no matter his circumstances. Later in the interview, he stated that he left his mother's home when he was around eighteen, due to the fact he was angry about something his present girlfriend had done, and he had "*slammed his hand into a wall*" at his mother's home. He made the comment that his mother "*could not do anything with him*" and he now has regrets relative to past actions toward his mother.

Jon stated little about his paternal grandparents and it was my impression his contact with them was minimal, although the grandparents lived approximately one mile away. Although no specific information was given, Jon's father had "*problems with (his) in-laws*" and it was my impression that Jon had minimal contact with his maternal grandparents. He did note, however, that his sister, **Cheryl**, lived with his maternal grandparents for some period of time, although the reason was not stated. Jon stated his maternal grandmother died in 1970 and his grandfather in 1974.

Jon can remember "*bits and pieces*" of arguments between his mother and father. He recalls his dad putting a rock through the window of their car, but does not remember what the argument was about. As a result of Charvet's assessment, he has learned that his older sister, **Debbie**, "*took them (siblings) in the car and into town to get away*", however, he does not independently recall this.

Jon stated that his brothers were all "*wrestlers*" and they tickled him and "*twirled him around*". He stated that they did "*pick on him*", but he felt their actions were normal, as he was the youngest boy.

Jon spoke with very little emotion in speaking of his father's death, which occurred when Jon was ten (10). He stated his father had been working out in the garden, and began "*throwing up*." Jon related that he watched as his father "laid down, was gasping, and turning blue." Jon related with a shrug that his father "*died before the ambulance came*."

The only other comment Jon made about his dad was that he learned to "*do it right the first time*," which he felt was a very positive aspect about himself and his work ethic.

Jon said little about his step father, **Ed**, except that at the time his mother met Ed, she was under the impression he had "*money*." Jon's mother met Ed while working as a waitress at Sleepy Hollow Country Club and they married three (3) months after Jon's

Case No.: 4970-01-41950
August 15, 1996
Page Three

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

father's death. Jon described Ed's drinking as "moderate" and was aware of one incident of a physical altercation between Ed and his mother. Although Jon did not witness the incident, he related how angry he was at Ed after learning of the incident.

Jon stated "*you'd be better off to do something to me than someone I love*." This phrase was later repeated relative to his feelings about Billie and the children.

Jon also stated that he was not aware of the later reported sexual abuse by Ed toward his sister.

Jon stated that because of the location of their home, he traveled to a neighborhood "*a mile away*" to "socialize" with peers. Jon did not report being involved in any type of organized sports. He stated that because of his mother's work schedule, he was often left unsupervised, however, he was very "*independent*", learning at an early age how to cook, clean, etc.

At age thirteen (13), Jon began using "*pot and alcohol*", however, he stated he smoked pot, for the most part. He stated he enjoyed smoking marijuana, as "*it put him in another state of mind*." Jon stated he had not experimented with other drugs.

He reported that he had not had hospitalizations, nor serious injuries or illnesses. He has had "*minor stitches but no broken bones*." Interestingly, Jon reported that he is "*queasy*" and becomes "*sick at the site of blood*." He considers himself very sensitive to others' illnesses or injuries.

Jon reported that he shared a room with various brothers when growing up. He related that he "*had no trouble sleeping*" until his last separation from Billie.

He described himself as "*not a mature child*" and he stated he was "*never prepared in school*." Jon finds it somewhat humorous that although he did "*just enough to pass*", he is the only brother "*who didn't flunk*."

Although I was not clear as to the circumstances surrounding the arrest, Jon was convicted of DWI, and for this reason was not allowed to join the Air Force. He could have joined the Navy, but he had observed how the Navy had allegedly mistreated his brother and for that reason, he is the only brother who did not join the service.

Jon stated, "*If I don't get what I want, I don't want it*."

Case No.: 4970-01-41950
August 15, 1996
Page Four

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

In 1985, Jon moved to Fayetteville, North Carolina to assist his sister, Debbie, who owned a restaurant. Jon told me he also was working in "mechanics" while there. Although I was not certain how they met, Jon began living with a woman approximately ten (10) years his senior, who was employed as a nurse. Jon said this woman had a ten (10) year old son. Jon felt uncomfortable with regard to the son because the biological father was such a "part of his (child's) life" and also because of the fact that Jon was not that much older to the child.

While residing in the apartment complex with this woman, Jon met Billie in September, 1987. Jon and the older nurse had been living together for approximately three to four months at the time he and Billie met. At the time Billie and Jon met, she was estranged from her husband.

I asked Jon what qualities he found attractive in a woman, but especially in regard to Billie. He told me that he initially was attracted to Billie's wearing "short shorts". He then told me that he felt "*total trust, monogamy, and working together with the same goals to better (themselves)*" were the most important characteristics in a relationship.

Billie was pregnant with their first child at the time of their marriage in May, 1988. Billie's two daughters were two and three at the time of the marriage. Billie and her first husband were both in the Army at the time they met and later married. Billie told Jon that she married her husband "*out of a dare*" and there was "*no love*" in the marriage. Billie told Jon that she could "*count on one hand the number of times she and her husband had made love.*"

Jon stated that he had not been involved in many serious relationships and noted his "*first love*" was a girl named **Carla**, at age sixteen (16).

According to Jon, Billie was "*into pot and prescription drugs*", at the time they met, however, he never related what the prescription drugs were.

Also, at the time Billie and Jon married, he had major difficulties with "*credit card debts*", although again, no specific information was provided. Jon "*trusted (her) totally and gave everything to her.*" At the time of the marriage, Billie's husband owed a great deal of child support, which was rarely, if ever paid.

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PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

Billie's only child delivered by "*natural*" childbirth, according to Jon, was "*Jennie*", Billie's oldest child. Jon's oldest daughter, **Stephanie**, was born on September 17, 1988, and Jon reported this to be "*one of the happiest days of his life.*"

It should be noted that throughout the interview Jon would provide conflicting information with regard to his feelings about Billie. As an example, he said on more than one occasion, that Billie was "*intellectually superior*" and that he relied on her as a "*counselor*" regarding any number of aspects about himself and their life together.

On another occasion, he was angry in relating information, and stated that at the time he met Billie, the "*girls were sleeping on the floor*" and his "*family had given them everything*."

Jon later learned, for the most part through discussions with his family, that Billie "*exaggerated*" a great deal of her medical training and former education.

Billie told Jon that she had run away from home at age fifteen, (15), but he was never aware of the extent of the problems. They were not doing well financially in Fayetteville and Billie expressed a desire to return to Huntingdon to "*get to know her parents.*" Billie's father had been in the Navy, but was now a farmer, as well as being in the National Guard.

Jon said that Billie spoke of "*hating her sister*", however, she "*ran to her*" on numerous occasions once they returned to Tennessee. Jon described Billie's family as "*having airs*" and "*not family like*." He stated that he and Billie made efforts to visit and get to know her parents, but her parents rarely reciprocated.

Jon further described Billie as being "*like a closed book*" and "*distant*", relative to her past.

Jon related that even at the beginning of his marriage to Billie, they had "*normal fights*", however, he perceived the relationship to be good until Billie lost her job.

Jon discussed the situation regarding their neighbors in Lexington, which is documented in the file material received and reviewed. It should be noted that although the events from the time he and Billie are previously documented both in the file and the time line, it was my purpose at this point of the interview to discuss Jon's feelings and perceptions relative to these events and circumstances.

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PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

Jon related that he "*didn't know the words can't or stop*". He did not consider himself a violent person, however, he often lost control. For the most part, he took out his anger on inanimate objects.

Jon stated his actions were dictated by "*all in the level you approach me with*." He described himself more than once during the interview as "*easy going*" and a person who "*takes things as they come*."

He discussed his past fights in situations with others and spoke at length of "*getting into other people's fights*." He provided examples of being in bars and seeing a man mistreat a woman and fighting on behalf of the woman.

During the interview, I asked Jon how he disciplined his step-daughters and his own children, as he was the main caretaker. He responded immediately by saying "*I didn't abuse them*." I told Jon I did not assume he had, I was asking about the form of discipline. Jon stated he used "*scare tactics*" and "*put fear in them*."

Jon stated he would take the girls by the shoulders, shake them, yell at them, and throw them on the bed.

He also stated he "*made the girls independent*" as he had been, and the older girls were capable of taking care of themselves. He stated he talked with the girls as if they were adults and allowed them to watch television shows such as "*Tales from the Crypt*", if they wanted. He attempted to answer any questions they had in an explicit manner.

Jon stated that for the most part, he gave Billie "*total control and authority*." Although both are stubborn, he said he "*put fear in Billie*" and "*gave her warnings*" about how far he was willing to be pushed. He does not appear to consider his past actions as part of domestic abuse, as Billie "*started it*." He perceives that his physical altercations with Billie were a result of her being the initiator of the altercations.

Jon stated that he can "*compensate to a point, then (he) loses control*."

Jon did admit to having various affairs during the time he and Billie resided in Huntingdon. His justification for his actions is that Billie "*had no time for him*". Billie's priorities were her job, the children, then him, according to Jon. He did say that he told the women with whom he had sex that he loved his wife and family and they should have no expectation regarding a relationship.

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Page Seven

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

There are several significant events on which Jon placed priority. He was very distressed with regard to their "*living in the projects*" in Huntingdon and took great pride in their purchase of a home in Lexington. He was not aware initially that his name was not listed on the mortgage, and this may have been because of past credit problems.

At the time Jon separated from Billie and resided with "*Jackie and Darlene*", he stated that their living situation was one of "*poverty*" and he spoke of his disgust relative to the housing environment, such as the numerous roaches observed.

It was Jon's feeling that he had to assert his role as the male and head of the household. He stated that Billie spoke of "*selling the house*" and this on its own, "*put him in a rage*." As a result of the protection order, he "*was thrown out of the house for a year*." He stated he had "*no money, no job, and no car*."

Jon spoke of Billie's desire to "*keep him separate from work*" as it is his feeling that he embarrassed her, as he came from a "*blue collar background*" and Billie "*never knew what would come out of his mouth*."

Although Jon was very angry over Billie's treatment at work, he acknowledged that he "*couldn't stand her job, because of her airs*."

An additional issue was the fact that he was being accused of sexually abusing Jessica and his counter complaint with Human Services. The thought that anyone could take advantage of a child like Jessica is inconceivable to Jon.

According to Jon, a "*flood of circumstances*" were taking place preceding his arrival at Billie's home. He states that he disabled the telephone because he did not want the police to be called. According to Jon, "*every time the police are involved, it costs money*", and this is what he wanted to avoid.

He maintains his intent was not to kill Billie and that he "*lost control*". He states his intent was to talk to Billie and have her realize his thoughts and feelings, but he "*totally lost it*."

Jon states he "*wants to understand*" any number of aspects about himself and his actions, but he admitted that "*when information doesn't compute, he does the opposite*."

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PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

It should be noted that at one point during the interview Jon sobbed almost uncontrollably. The female guard on Unit 1 handed Jon several tissues, but said nothing.

Upon my leaving the unit, this guard commented that she had never seen Jon show any emotion. She may be utilized as a possible witness as she also commented she considered Jon a "good inmate". According to her, Jon spends almost his entire time "working on his case."

Correspondence has been forwarded to Jon's family for the purpose of separate interviews and additional background information.

Employment information and collateral interviews will also be conducted.

It appears as a result of this interview and from documents reviewed that Jon Hall may suffer from Intermittent Explosive Disorder. The essential features of disorders of impulse control are:

1. Failure to resist an impulsive drive, or temptation to perform some act that is harmful to the person or others. There may or may not be conscious resistance to the impulse. The act may or may not be premeditated or planned.
2. An increasing sense of tension or arousal before committing the act.
3. An experience of either pleasure, gratification, or release at the time of committing the act. The act is ego-syntonic in that it is consonant with the immediate conscious wish of the individual, immediately following the act there may or may not be genuine regret, self-reproach, or guilt.

Although interviews may or may not assist with this initial mitigation theme, the disorder would remove premeditation, if Hall's prior episodes and loss of control are documented and out of proportion.

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7 EXHIBIT 7

8 Identified and authenticated, this

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IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE
DIVISION I

STATE OF TENNESSEE,)
Plaintiff,)
VS.) NO. 94-342
JON HALL,)
Defendant.)



Supplemental MOTION FOR CHANGE OF VENUE

Comes now your Defendant, JON HALL, and his attorney, CLAYTON
and JH Full
F. MAYO, and moves this Court to grant a motion for a change of
venue for the following reasons:

1. Defendant, JON HALL, is charged with the offense of:
(a). First Degree Murder;
(b). 2 counts of Theft of Property;
(c). Especially Aggravated Kidnapping;
2. That the Court has jurisdiction to hear this case;
3. Defendant contends that he cannot receive a fair trial
for the following reasons:

(a). That there is much and extreme public hostility over
this crime in this Court's jurisdiction;

(b). That there is much public outrage over the nature of
this crime;

(c). That prejudicial news reporting and editorials have
disclosed inadmissible evidence;

(d). That the public assumes because of the newspaper
reporting, editorials and television coverage that Defendant is
guilty of this crime;

(e). That there has been an extreme amount of publicity
regarding this case which cannot help but prejudice the people that
will be the jury pool in this Court's jurisdiction;

(f). That the public is convinced as evidenced by many
conversations heard by Defendant and Defendant's attorneys that
Defendant is guilty of the charges he is facing;

(g). That there is a reasonable likelihood that the
Defendant will not receive a fair trial as a result of pre-trial
publicity, see *Sheppard v. Maxwell*, 384 U.S. 333, 363 (1966);
COV - EXHIBIT [G]

000573

4. This Court has the authority and discretion to change the venue, pursuant to Federal Rules of Criminal Procedure 21;

WHEREFORE, DEFENDANT PRAYS that this Court grant a change of venue to the Circuit Court of _____ County, in _____, Tennessee.

DATED this the _____ day of _____, 1996.

Respectfully submitted,

CLAYTON F. MAYO, BPR# 014138
Attorney at Law
618 N. Highland Avenue
P.O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

JESSE H. FORD, III BPR# 009775
Attorney for Defendant
618 N. Highland Avenue
P.O. Box 1625
Jackson, TN 38302-1625
(901) 422-1375

CERTIFICATE OF SERVICE

I hereby certify that I have either mailed or personally delivered a true copy of the foregoing to Mr. Al Earls, Assistant District Attorney, P.O. Box 2825, Jackson, Tennessee 38302, this the _____ day of _____, 1996.

CLAYTON F. MAYO

JESSE H. FORD, III

AFFIDAVIT

CLAYTON F. MAYO, being duly sworn, deposes and says:

1. He is the attorney for the Defendant herein and makes this Affidavit in support of a Motion for a Change of Venue.

2. Affiant asked fifty (50) individuals selected at random on the streets of Jackson, Tennessee and Bolivar, Tennessee whether they had or had not, seen or heard any of the pre-trial publicity concerning the case. One hundred percent had seen and/or heard the publicity.

3. Of those who had seen the pre-trial publicity, ninety
COV - EXHIBIT [G]

percent believed that the Defendant was guilty and ten percent had formed no opinion. All stated that the vast majority of persons in Madison and Hardeman counties believed the Defendant guilty but refused to execute affidavits to that affect because of the criticism in the assistance rendered the Defendant, even in the mere obtaining a change of venue, would engender. All requested that their names not be used. In many of these conversations, it has been stated that if Dennis Harris committed these acts, he deserved to die.

4. Included among those people interviewed were persons of the following applications: store owners, barbers, teachers, clerks, farmers, factory workers, banker, salesmen, and persons in a variety of management positions.

DATED this the _____ day of _____ 1992.

CLAYTON F. MAYO

Sworn to and subscribed before me this the _____ day of _____, 1992.

NOTARY PUBLIC

My Commission Expires: _____

AFFIDAVIT

I, JON HALL, being first duly sworn, depose and say:

1. I am the Defendant in the above titled action and I make this Affidavit in support of my motion for change of venue. I can not have a fair and impartial trial in the City of Lexington, Tennessee, because of the publicity against me, public outrage over the offense of which I am charged, and prejudicial news reporting and editorials that have implicated me and disclosed inadmissible evidence.

2. The Jackson Sun is a newspaper widely circulated in the City of Jackson; attached hereto, marked exhibits are news articles which appeared in The Jackson Sun on the following dates:

Exhibit #1 - 04/01/92;	Exhibit #13- 04/09/92
Exhibit #2 - 04/01/92;	Exhibit #14- 04/10/92;
Exhibit #3 - 04/02/92;	Exhibit #15- 04/12/92;
Exhibit #4 - 04/02/92;	Exhibit #16- 04/14/92;
Exhibit #5 - 04/02/92;	Exhibit #17- 04/17/92;
Exhibit #6 - 04/02/92;	Exhibit #18- 04/27/92;
Exhibit #7 - 04/02/92;	Exhibit #19- 04/28/92;
Exhibit #8 - 04/03/92;	Exhibit #20- 05/01/92;
Exhibit #9 - 04/04/92;	Exhibit #21- 06/28/92;
Exhibit #10- 04/05/92;	Exhibit #22- 06/30/92;
Exhibit #11- 04/06/92;	Exhibit #23- 07/01/92;
Exhibit #12- 04/07/92;	Exhibit #24- 07/21/92.
	Exhibit #38- 07/28/92

Furthermore, The Commercial Appeal is a newspaper widely circulated in the city of Jackson and all the various counties in which this court draws its jury pool; attached hereto, marked exhibits are news articles which appeared in The Commercial Appeal on the following dates:

Exhibit #25- 04/01/92;	Exhibit #30- 04/10/92;
Exhibit #26- 04/02/92;	Exhibit #31- 04/11/92;
Exhibit #27- 04/03/92;	Exhibit #32- 05/01/92;
Exhibit #28- 04/05/92;	Exhibit #33- 06/28/92;
Exhibit #29- 04/06/92;	Exhibit #34- 06/30/92.

Such inflammatory news stories could not help but prejudice the people of this Court's jurisdiction against me.

3. Additionally, The Tennessean is a newspaper widely circulated in the City of Jackson; attached hereto, marked exhibits are news articles which appeared in The Tennessean on the following dates:

Exhibit #35- 04/01/92
Exhibit #36- 04/02/92

4. Finally, the Hardeman County Leader is a newspaper that is widely circulated in this area; attached hereto, marked exhibit is a news article which appeared in the Hardeman County Leader on the following date:

Exhibit #37- 07/02/9

5. That WBBJ, a television station that is in the city of Jackson, is broadcasted throughout the area from which the jurors are drawn. On the 10th and 13th days of July, 1992 at 6 and 10 o'clock p.m. in a news broadcast transmitted over said station (Exhibit #39), coverage was broadcast regarding my case.

6. In view of the adverse pre-trial publicity which has been given to the case I can not obtain a fair and impartial trial in the city of Lexington and request a change of venue.

JON HALL

Sworn to and subscribed before me this the _____ day of _____, 1992.

NOTARY PUBLIC

My Commission Expires: _____

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7 EXHIBIT 9 ID

8 Identified and authenticated, this

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10 the 18th day of July,

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12 2003.

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CERTIFICATE OF THE REPORTER

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I, AMY MAYS, Official Court
Reporter, do hereby certify that the
foregoing is a true, accurate and
complete transcript, to the best of my
knowledge and ability, of all the
proceedings had and evidence introduced
in the trial of the captioned cause,
relative to appeal, in the Criminal
Court of Madison County, Tennessee, on
the 15th and 16th days of May, 2002.

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I do further certify that I am
neither of kin, counsel nor interest to
any party hereto.

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May 15, 2002

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DATE

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AMY MAYS

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1 CERTIFICATE OF THE COURT

2 THIS IS TO CERTIFY THAT THE
3 TRANSCRIPT OF EVIDENCE ADDUCED AT THE
4 TRIAL OF THIS CAUSE HAS BEEN FILED WITH
5 THE CLERK OF THE COURT.

6 The Court has examined this
7 Transcript of Evidence and has found it
8 to be a true and accurate record of the
9 proceedings.

10 Therefore, it is Ordered,
11 Adjudged and Decreed that the Transcript
12 of Evidence is hereby approved by the
13 Court and will be part of the record on
14 appeal in this case.

15 -----
16 DATE

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18 -----

19 JUDGE

20 -----
21 ATTORNEY FOR THE PETITIONER

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24 ATTORNEY FOR THE STATE